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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,963	02/25/2000	Delos C. Jensen	6647-3	7576
7590	10/22/2004		EXAMINER	
Alexander C. Johnson, Jr Marger Johnson & McCollom, P.C. 1030 S.W. Morrison Street Portland,, OR 97205			EDOUARD, PATRICK NESTOR	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/512,963	JENSEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Patrick N. Edouard	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 July 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 and 20-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

### **DETAILED ACTION**

1. This Office Action is in response to communication filed 07/02/2004. Claims 1-16 and 20-22 are new claims 23-25 pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-16 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 and 20-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation " for each pair of concepts in each chain, one of the pair of concepts is a linear ancestor of the other par of concepts" is not described in the specification as to enable one of ordinary skill in the art on how to use or make it. In fact, reading the specification of figure 4 on pages 11 and 12, there is no mention of such limitation. The Applicant is advised to point out where this limitation can found in the specification.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "where for each pair of concept in each chain, one of the pair of concept is a lineal ancestor of the other of the pair of concepts" is vague and indefinite because of the following reason:

If the pair of concept in a chain is chosen to be the maximal element and the last concept of the chain, there would not be any ancestor for this pair of concept or one of the pair of concept would not be an ancestor of a lineal of the other of the pair of concept. For instance if "thing 305" and "iguana 56" is chosen for a pair of concept, it is unclear which one of the pair of concept is a lineal ancestor of the other of the pair of concept.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>®</sup> of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- 5, 7, 11-16 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al (6,363,378).

As per claims 1, 11, 12, 15, and 16, Conklin et al teach a method for building a directed set to allow a user of a computer system to find a context in which to answer a question, the method comprising (figures 3-6):

identifying a plurality of concepts to form a directed set, wherein one concept is a maximal element" (abstract a knowledge base which comprises a plurality of nodes depicting terminology concepts, col. 7, lines 39-50, his knowledge base, col. 12, lines 1-45);

"establishing a directed link between the at least a first concept and a second concept in the directed set, the directed link defining "is a " relationship between the first concept and the second concept" (col. 7, lines 40-61);

"Establishing chains in the directed set from the maximal element to each concept" (col. 7, lines 39-63, col. 6, lines 52-64); where for each pair of concepts in each chain, one of the pair of concepts is a lineal ancestor of the other of the pair of concepts" (col. 7, lines 42-62)

"Selecting one or more chains in the directed set as a basis" (figure 4, col. 7, line 62 to col. 9, lines 26).

"Measuring how closely each concept is represented in each chain in the basis" (col. 7, lines 8-21; col. 12, line 48 to col. 14, line 10),

As per claims 2, 3, 13 and 14 Conklin et al teach creating a state vector for each concept in the directed set...(col. 4, lines 39 to col. 5, line 15, his document theme vector 160).

As per claims 4-5 and 7, Conklin et al teach introducing a new concept in the directed set (col. 12, line 19-44, col. 10, line 23 to col. 11, line 67).

Claims 20-22 are the same in scope and content as claims 1, 11, 12 and 15 and therefore are rejected under the same rationale.

As per claims 17-19, Conklin et al teach a method for a user of a computer system to find a context to aid in answering a question, the method comprising:

"Parsing the question into one or more or more concepts" (fig.1-2, his query processing 175);

"Measuring distances in a directed set between the one or more parsed concepts" (figure 2, his calculate conceptual proximity 252);

"Using the distances between the one or more parsed concepts to establish a context for the question" (his rank query feedback terms by conceptual proximity 262).

As per claims 18, Conklin et al teach establishing one or more chains... (figs. 3-5, col. 7, line 39- col. 123, line 45).

As per claims 23-25, Conklin et al teach establishing a first directed link from the second concept to the first concept and establishing a second directed link from a third concept to the first concept (figure 3, col. 7, lines 29-62; for instance NodeC' and NodeB being the first and the second concept respectively and NodeC' and NodeD being the first and the third concept).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al (6,363,378).

It is noted that Conklin et al teach the claimed invention but does not explicitly teach discarding the chains in the basis, removing an existing chain from the maximal element tot the first concept and establishing a new chain from the maximal element to the first concept. However, Conklin et al teach at col. 8, line 32 to col. 10, line 20, the selecting of focal categories (nodes) based on the weight of each node. Therefore, one of ordinary skill in the art at the time the invention made would have it obvious to recognize that the system of Conklin using the accumulated weight to select the focal

categories would remove or discard any existing link (chain) from the focal category to any other node because it would provide a better calculation of the weight focal category that would enhance the question-answering system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645

The facsimile phone number for this Art Unit is (703) 872-9314. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard  
October 8, 2004



PATRICK N. EDOUARD  
PRIMARY EXAMINER